

**REMARKS/ARGUMENTS**

Reconsideration and allowance of all the claims of record is respectfully requested.

**Response to Rejections Under 35 U.S.C. §102(e)**

Claims 1-8, 14-16, 18, 20-26, 28, 29, 35-37, 39-48, 54-56, 58, 60-69, 75-77 and 80 stand rejected under 35 U.S.C. §102(e) as being anticipated by Othmer et al (U.S. Patent No. 6,167,358, hereinafter "Othmer"). Applicants traverse this rejection.

The previous Office Action dated June 25, 2004 relied on at least Othmer et al. (U.S. Patent No. 6,167,358, hereinafter "Othmer") in view of Zeh (U.S. Pub. No. 2002/0021272, hereinafter "Zeh") as a basis for the rejection of all claims under 35 U.S.C. §103(a).<sup>1</sup> This previous Office Action explicitly admitted "Othmer does not explicitly disclose at least one bug tracking related menu tailored to the user's role in the software development process," (Office Action, June 25, 2004 page 4).

After admitting that Othmer did not explicitly contain the above-noted limitation in at least claim 1, the previous Office Action relied on Zeh to provide the missing elements, and based on this reliance, rejected all claims as allegedly being obvious. The Zeh reference has since been withdrawn from the rejection. In direct contradiction, however, to the previous Office Action's admission that "Othmer does not disclose at

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<sup>1</sup> For example, the previous Office Action rejected each of the independent claims (claims 1, 21, 41 and 61) under 35 U.S.C. §103 over the combination of Othmer and Zeh. Certain dependent claims were rejected over Othmer, Zeh and a tertiary reference.

least one bug tracking related menu tailored to the user's role in the software development process," the presently outstanding Office Action of June 6, 2005 alleges that Othmer now discloses all of the elements required by independent claim 1, including "at least one bug tracking related menu tailored to the user's role in the software development process." At least because Othmer does not contain this element explicitly required by independent claim 1 and dependent claims 22, 42, and 62 (as explicitly admitted in the previous Office Action), Applicants submit that Othmer does not anticipate any of these claims. The presently outstanding Office Action provides absolutely no rationale for now alleging that these claim limitations are disclosed by Othmer. The outstanding Office Action is completely silent why the previous admission regarding this claim limitation is now deemed incorrect.

The applicants submit that Othmer fails to disclose each element recited in the claims. With respect to claims 1 and its dependents, the applicants submit that Othmer does not anywhere disclose "at least one bug tracking related menu tailored to the user's role in the software development process." Similar comments apply to claims 22, 42 and 62 which depend from independent claims 21, 41 and 61, respectively.

In particular, the sections of Othmer cited by the Office Action (col. 14 lines 7-9 & col. 9 lines 5-15) disclose a server interfacing and sharing data with customer service and bug tracking databases. This is a process wholly different from the claimed "accessing, in response to said user information, at least one bug tracking related menu tailored to the user's role in the software development process." The "users" in Othmer

are the individuals using the client machines on the network, and have absolutely no relation to any development process. Considering the Office Action's cited portions of Othmer (col. 14 lines 7-9 & col. 9 lines 5-15) together, would, if anything, produce a system wherein a server gathers and stores data, provided by a client computer, in a customer service or bug tracking database, based on the user ID assigned to the client computer. Contrastingly, claim 1 (and dependent claims 22, 42 and 62) require accessing a menu tailored to the user's role in the development process. The disclosure of a server that gathers and stores data from client machines in a central database, as in Othmer, does not describe accessing a menu tailored to a user's role in a software development process, as required by claim 1. The database described in Othmer is not a "menu tailored to a user's role" in that it is neither a menu nor is it tailored to a particular user role. The database is simply organized storage designed to store all bugs related to the operation of a computer-based system, a system in which the user does not have a role in the development thereof. At best, the Office Action's citations to Othmer, in conjunction, can be said to describe accessing, in response to user identification information, one or more bug tracking databases for storing received system information. Such a bug tracking database would still not disclose a "bug tracking related menu tailored to the user's role in the software development process."

Additionally, the applicants submit that Othmer does not disclose "processing user information, including a password," as required by claim 1 (claims 22 and 42 require similar limitations). With respect to this claimed element, the Office Action noted that

Othmer discloses "The server uses the user ID to associate static information with a particular client machine" (col. 13 lines 59-60). Nowhere in this citation or elsewhere in Othmer is any mention of a password made.

Also, with respect to claims 14-16, applicants submit that Othmer's "bug tracking database" (col. 9 line 7) is not the same as applicants' "bug related menu." As noted above, applicants' "bug related menu" is a menu tailored to a user's role in the development process, and not a database warehousing some or all bugs related to a particular computer-based system. Therefore Othmer's disclosed email report generator, which emails information to a developer based on information retrieved from a bug tracking database (col. 9 lines 5-15), is not descriptive of the claimed "transmitting a bug related message using an accessed bug related menu from a first user having a first role in developing said software package to a second user having a second role in developing said software package."

Independent claim 21 requires, *inter alia*, "accessing a bug tracking related menu by a first user having a first role in developing said software package; editing bug related information using said bug tracking related menu; and transmitting at least the edited bug related information via the Internet to a second user having a second role in developing said software package." Page 7, lines 1-3 of the previous Office Action dated June 25, 2004 admitted "Othmer does not explicitly disclose using an accessed bug related menu from a first user having a first role in developing said software package to a second user having a second role in developing said software package." Indeed, the Examiner relied

on the now withdrawn Zeh reference to remedy this admittedly missing element. In direct contradiction to this explicit admission of the previous Office Action, the presently outstanding Office Action now alleges that Othmer discloses all of the claim limitations, including the limitations noted above, which were previously admitted as being missing from Othmer.

Consistent with the previous Office Action's admission, Othmer fails to disclose the above noted claim limitations. For example, while Othmer discloses an email report generator for emailing information to a developer based on information retrieved from a bug tracking data base (see col. 4, lines 5-15), this email generator does not disclose or even suggest a first user "transmitting at least the edited bug related information via the Internet to a second user having a second role in developing said software package."

Independent claim 41 requires, *inter alia*, "sorting said list of bugs in accordance with any one of a plurality of user selected sort criteria." Applicant submits that Othmer fails to disclose or even suggest this limitation. In particular, Othmer discloses time stamping of system events, not bugs, so a developer can determine what sequence of events caused a single bug. However, this teaching in Othmer fails to disclose sorting bugs based on any one of a plurality of user selected sort criteria as required by independent claim 41 and its dependents.

With respect to independent claim 61 and all claims dependent therefrom, applicants submit that Othmer does not describe "an encryption system coupled to said first computer for encrypting data transmitted via the Internet by said first computer," and

"a web server for ... permitting an authorized software developer, an authorized software tester, and an authorized project coordinator to access said bug tracking system and to communicate with each other via said bug tracking system." Othmer explicitly describes using a filter server to "remove any confidential information" (col. 22 line 57) and therefore Othmer has no need to encrypt the information it transmits. Accordingly, Othmer nowhere describes "an encryption system coupled to said first computer for encrypting data transmitted via the Internet by said first computer."

Neither does Othmer anywhere describe a "project coordinator," let alone communication between a project coordinator and a developer or tester. Othmer describes very limited communication between a developer and a user's computer (col. 16 lines 25-36 & col. 7 lines 5-30). This communication consists of the user's system sending messages to an engineer or developer, and the engineer or developer sending code updates to the user's system, not to the user. There is no communication between the engineer/developer and the user/tester, and there is no communication whatsoever to or from a project coordinator's system.

With respect to dependent claim 62, and claims 63-66 which depend therefrom, Othmer does not describe accessing "at least one bug tracking related menu tailored to the user's role in the development process," as discussed in detail above. Specifically, Othmer discloses neither a "bug tracking related menu," nor a menu "tailored to the user's role in the development process." Othmer describes accessing a bug database, but a

database is not a bug tracking related menu, nor is it a menu tailored to the user's role in the development process.

With respect to dependent claim 69, Othmer does not further disclose a web server "operable to sort the bugs based upon any one of a plurality of sorting criteria selected by a user" for at least the reasons discussed above with respect to independent claim 41. Othmer does not disclose any sorting of bugs. Othmer discloses timestamping of system events, not bugs, so a developer can determine what sequence of events caused a single bug, but this fails to disclose sorting bugs based upon any one of a plurality of sorting criteria selected by a user, as required by claim 69.

With respect to dependent claims 75-77, Othmer does not describe a web server which is "operable to transmit a bug related message using an accessed bug related menu from a first user having a first role in developing said software package to a second user having a second role in developing said software package." Specifically, Othmer does not describe "using an accessed bug related menu from a first user." Othmer describes sending an automatic email based on the results of an automatic database query, but that is not the same as using an accessed bug related menu from a first user.

Accordingly, the applicants respectfully request that the rejection of claims 1-8, 14-16, 18, 20-26, 28, 29, 35-37, 39-48, 54-56, 58, 60-69, 75-77, and 80 under 35 U.S.C. §102(e) be withdrawn

**Response to Rejections Under 35 U.S.C. §103(a)**

Claims 9-13, 30-34, 49-53 and 70-74 were rejected under 35 U.S.C. §103(a) as being unpatentable over Othmer in view of Johndrew et al. (U.S. Publication no. 2001/0049697, hereinafter "Johndrew"). The applicants traverse this rejection.

All of the comments made with respect to base independent claims 1, 21, 41 and 61 apply equally to claims 9-13, 30-34, 49-53 and 70-74, respectively. Johndrew fails to remedy the above described deficiencies of Othmer. Moreover, Johndrew does not, as the Office Action suggests, disclose a method of sorting bugs "wherein said sorting criteria includes video game stage or a video game character or the status of the bug or the type of bug or the reported date of the bug." Johndrew does not teach allowing a user to sort bugs based on a video game stage, a video game character, the status of a bug, or a reported date of a bug. Under Johndrew's teachings, a user would, for example, have no use in searching for "the reported date of a bug," as a user would not care when a bug was reported.

Claims 17, 38, 57 and 78 were further rejected under 35 U.S.C. §103(a) as being unpatentable over Othmer in view of admitted prior art (applicants' specification, page 2, lines 9-11, hereinafter "prior art"). Claims 19, 40, 59 and 79 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Othmer in view of Tse (U.S. Patent No. 5,742,754, hereinafter "Tse"). Applicants traverse these rejections. The applicants note that many of the above-noted dependent claims recite additional features which are not disclosed or suggested by the prior art. The Office Action has repetitively relied on


"official notice" as a basis to reject at least some claims without providing an appropriate evidentiary showing in the prior art. Since the independent base claims of each of these dependent claims are believed to be in condition for allowance for the reasons set forth above, there is no present need to address any of these issues in detail.

In view of the foregoing, the applicants believe that all the claims are in condition for allowance, and an action to that end is earnestly solicited. If any issues remain to be resolved, the Examiner is urged to contact the applicants' attorney at the telephone number identified below.

Respectfully submitted,

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